

Burney's motion to lay on the table a bill relative to what kind of funds etc. etc. The Yeas and Nays were as follows:

Yeas: Messrs. Andres, Beasley, Boyd, Burney, Casey, Crawford, Durant, Guinn, Harcourt, Jordan, Lair, Maxey, Moore of Davis, Moore of Bastrop, Parsons, Quayle, Weatherford, and Wheeler—19 [18].

Nays: Messrs. Batte, Dickson, Ford, Graham, Hartley, Hord, Lea, Reed, Shepard, and White—11.

On motion of Mr. Graham, a Bill appropriating money to defray the expenses incurred for rations and forage of 21st Brigade Texas State Troops was taken up. Read 2nd time and passed to a 3rd reading. Rule suspended. Read 3rd time and passed.

Mr. Harcourt moved to take up a resolution relative to contract by Military Board with Taylor, Sherrod and Company. Carried and Resolution read 2nd time. Mr. Hartley offered the following amendment: "Provided the said parties shall furnish the Military Board 400 pistols at \$75 each." Mr. Casey offered substitute for the amendment "Provided said Company shall furnish to the Military Board for the State at the Contract price (\$40) a sufficient number of pistols to pay the amount advanced by the State to said Company." Mr. Hartley withdrew the amendment, Mr. Casey consenting that the substitute should be considered part thereof. Mr. White offered the substitute of Mr. Casey as above as an amendment to the resolution. Mr. Cook moved to lay on table. Carried. The Resolution was then ordered to be engrossed. Rule suspended. Read 3rd time and passed.

On Motion the Senate adjourned until 9 o'clock A. M. tomorrow.

Wednesday, March 4, 1863

9 o'clock A. M.

Senate met, prayer by the Chaplain, roll called, quorum present. The journal of yesterday was read and adopted.

Mr. Casey, Chairman of Committee on Engrossed Bills, reported a Bill for the organization of the State troops and prescribing who shall be liable to military duty, correctly engrossed.

On motion of Mr. Guinn, the Bill was taken up. Read 3rd time. Mr. Guinn moved to amend by paying the enrolling officers by the respective County Courts. Mr. Har-

court offered the following "And the County Court may determine the time necessary occupied in making the enrollment." Adopted. The amendment was then adopted. The Yeas and Nays were then called on the final passage of the bill and stood thus:

Yeas: Messrs. Andres, Beasley, Boyd, Burney, Casey, Cook, Cooper, Dickson, Durant, Graham, Guinn, Harcourt, Lea, Lair, Maxey, Moore of Davis, Moore of Bastrop, Quayle, Reed, Shepard, and White—[21].

Nays: Messrs. Ford, Hartley, Jordan, Parsons, Selman, Weatherford, and Wheeler—7.

Mr. Hartley, Chairman of Committee on State Affairs, reported Senate Bill authorizing the Governor to manufacture salt and recommended its passage. Also a Bill to incorporate the Texas Paper Manufacturing Company with the following amendment. In last line, 1st section, before "real" insert "such." At end of section insert "as may be necessary for the prohibit distillation of corn etc. into spiritous liquors, etc. with amendment as follows. Strike out of caption "corn and other cereals." Strike out of Section 1 "corn and other grain into." Strike out of Section 1 "convert into alcohol or spiritous liquors any corn or other grain unless as is herein provided," and insert "manufacture alcohol or spiritous liquors." Strike out of 2nd Section "other purposes" and insert "mechanical and chemical." Strike out of 2nd line 2 Section "convert into" and insert "manufacture." Strike out of 3rd line in 2nd Section "any corn or other grain or the product of any corn or other grain."

On motion of Mr. Quayle, a bill to supply a deficiency in a certain appropriation for paying officers and soldiers of state troops on report of Committee on Finance recommending substitute was taken up. Read 2nd time. Substitute adopted and ordered to be engrossed. Rule suspended. Read 3rd time and passed.

On motion of Mr. Moore of Davis, a Bill to incorporate the Texas Iron Company was taken up. Read 2nd time. Substitute adopted and passed to a 3rd reading. Rule suspended. Read 3rd time and passed on call of Yeas and Nays unanimously.

On motion of Mr. Ford the bill to incorporate the Texas Paper Manufacturing Company was taken up, amendments adopted, and bill passed to 3rd reading. Rule suspended.

Read 3rd time and passed by Constitutional majority. Mr. Boyd voting Nay.

Mr. Ford, Chairman of Committee on Enrolled Bills, reported the following bill correctly enrolled, properly signed, and presented to the Governor for his approval: "A Bill authorizing judgement to be rendered in certain cases requiring property levied upon by execution or sold under deeds of trust or mortgage to bring nine tenths of its appraised value."

A message was received from the House informing the Senate of the passage of the following Joint Resolution.

A Joint Resolution in relation to certain salaries near Double Mountain. The House disagree to Senate's amendments to Bill relative to frontier protection and had appointed Messrs. Flewellen, McCoy, Alford, Costley, and Hall a committee on conference thereon. Whereupon on motion the Senate refused to recede and appointed Messrs. Reed, Ford, and Graham a committee of free conference on the part of the Senate.

Also that the House refuse to adopt the Senate's substitute to House bill to provide for support of families of Texan soldiers and had appointed Messrs. Cone, Potter, and Williams a committee of free conference thereon, whereupon Messrs. Hartley and Lea were appointed a like committee on the part of the Senate. Also had passed Senate's bill appropriating \$200,000 for relief of sick and wounded soldiers with an amendment which was concurred in.

On motion of Mr. White, Joint Resolution in regard to trade were taken up. Read 2 time, amendments of Committee adopted, and bill ordered to be engrossed. Rule suspended. Read 3rd time and passed.

A Bill to incorporate the Houston Mutual Aid Association. Read 2nd time and passed to a 3rd reading. Rule suspended. Read 3rd time and passed by Constitutional majority. Mr. Boyd voting Nay.

A Bill to incorporate the Columbus Mutual Aid Association. Read 3rd time and passed by a Constitutional majority. Mr. Boyd voting Nay.

A Bill to incorporate the Washington County Mutual Aid Association. Read 3rd time and passed by Constitutional Majority, Messrs: Boyd and Durant voting Nay.

Mr. Guinn moved to take up the bill to prevent the distillation of grain etc. Carried. Mr. Quayle moved to lay

the amendments offered by Committee on the table. The Yeas and Nays stood thus:

Yeas: Messrs. Beasley, Boyd, Burney, Cooper, Dickson, Guinn, Jordan, Lea, Lair, Maxey, Quayle, and Weatherford—12.

Nays: Messrs. Andres, Batte, Casey, Ford, Harcourt, Hartley, Moore of Bastrop, Parsons, [Selman?] Shepard, Wheeler, and White—12. The President voted Yea.

Mr. Selman offered the following amendment: "Provided that this act shall not apply to any person or persons who distill spiritous liquors from the grain produced by such person or persons on his or her own premises for the private use and consumption of such person or persons owning said premises."

Mr. Burney moved to lay the amendment on the table, whereupon the Yeas and Nays were as follows:

Yeas: Messrs. Beasley, Boyd, Burney, Cooper, Crawford, Graham, Guinn, Lea, Lair, Maxey, Moore of Bastrop, Quayle, and Weatherford—13.

Nays: Messrs. Andres, Batte, Casey, Cook, Dickson, Ford, Harcourt, Hartley, Hord, Jordan, Parsons, Reed, Selman, Shepard, Wheeler, and White—16.

The Yeas and Nays were then called on the adoption of the amendment and stood thus:

Yeas: Messrs. Andres, Batte, Casey, Cook, Dickson, Durant, Ford, Harcourt, Hartley, Hord, Jordan, Parsons, Reed, Selman, Shepard, Wheeler, and White—17.

Nays: Messrs. Beasley, Boyd, Burney, Cooper, Crawford, Graham, Guinn, Lea, Lair, Maxey, Moore of Davis, Moore of Bastrop, Quayle, and Weatherford—14.

The bill was then passed to a 3rd reading.

Mr. Reed made the following report. "The Committee of Free Conference have considered the Senate's Amendments to the House bill to provide for the defense of the frontier and repealing certain sections of an act to provide for the defense of the frontier and repealing certain sections of an act to provide for the protection of the frontier approved 21st December, 1861, and report the following: We accept the 3rd section an amendment made by the Senate and reject the Senate's amendment made to the 2nd Section and report back for adoption the 2nd Section of the House bill in lieu thereof." Adopted.

A bill to define the offense of inciting insurrection etc. Read 2nd time. Rule suspended. Read 3rd time and passed.

On motion of Mr. Hord, a Bill to punish certain persons for the unlawful seizures of wagons, teams, etc. was taken up. Read 2nd time. Amendment of Committee adopted, and bill ordered to be engrossed. Rule suspended. Read 3rd time and passed.

Mr. Lea by leave introduced a bill to incorporate the Goliad County Aid Association. Read 1st time. Rule suspended. Read 2nd time and ordered to be engrossed. Rule suspended. Read 3rd time and passed by a constitutional majority. Mr. Boyd voting Nay.

Mr. Lea by leave introduced a bill to authorize the Comptroller to suspend the collection of the ordinary taxes if necessary. Read 1st time and on motion laid on the table.

Mr. Hartley made the following report. "The Committee of Free Conference to whom was referred the Senate's substitute for the House bill to provide for the support of the families of Texas soldiers have agreed that the words "out of any money in the Treasury not otherwise appropriated" shall be stricken from the substitute and recommend the adoption of this amendment and the passage of the substitute." Adopted.

On motion Mr. Crawford was excused from further attendance after tomorrow morning in the Senate this extra session.

On motion the Senate adjourned until 3 o'clock P. M.

3 o'clock P. M.

Senate met, roll called, quorum present.

A message was received from the House informing the Senate that the House had passed the following bills:

Senate's bill appropriating \$20,000 for recovering the roof of the Capitol and other public buildings with an amendment which was concurred in.

Senate Joint Resolution in regard to trade.

A Bill to incorporate the San Antonio Mutual Aid Association.

A Bill supplemental to an act to define the duties of Secretary of State.

A Bill supplemental to an act defining the duties of Notaries Public. Read 1st time. Rule suspended. Read

2nd time and passed to 3rd reading. Rule further suspended. Read 3rd time and passed.

A Bill to amend the 12th and 15th sections of an act regulating elections etc.

A Bill to amend an act amendatory of the laws to raise revenue by taxation. Read 1st time and referred to Committee on Finance.

A Joint Resolution in relation to John R. Baylor. On Motion taken up. Read 1st time. Rule suspended. Read 2nd time and passed to 3rd reading. Rule further suspended. Read 3rd time and passed.

Senate's bill to incorporate the Texas Lead and Copper Mine Company.

A Bill authorizing the purchase of machinery for the use of the Penitentiary.

A Bill to authorize the Treasurer to pay out Confederate notes for civil and military purposes.

A Bill regulating the manner of collecting taxes and repealing certain laws.

Senate's Joint Resolution to the contract of the State with Sherrod, Taylor, and Company.

Mr. Harcourt introduced a Joint Resolution in relation to printing the laws of this extra session. Read 1st time. Rule suspended. Read 2nd time. Mr. Casey offered the following amendment; "provided that one copy of each paper be sent to each County Clerk, and each member of the present legislature." Mr. Durant moved to lay the resolution on the table. Lost. Mr. Graham offered the following; "and further provided that each member pay the subscription price of the same." Laid on the table. The amendment of Mr. Casey was then adopted. Mr. Parsons moved to amend as follows "and one copy to each Supreme and District Judge in the State." Adopted. The resolution was then ordered to be engrossed. Rule suspended. Read 3rd time and passed.

A Bill declaring void any sale made by the public enemy who may occupy any portion of the State of Texas on report of Committee recommending that it do not pass. Read 2nd time. Report of Committee laid on table and Bill passed to a 3rd reading. Rule suspended. Read 3rd time and passed.

A Bill to provide against the hostile invasion of Texas

by persons of Color. Read 2nd time and passed to a 3rd reading. Rule suspended. Read 3rd time and passed.

A Bill to amend the Penal Code. Read 2nd time and passed to a 3rd reading. Rule suspended. Read 3rd time and passed.

A Bill to amend an act to establish a Code of Criminal Procedure on report of Judiciary Committee recommending that it do not pass. Read 2nd time and report adopted.

A Joint Resolution concerning certain salines near Double Mountain. Read 1st and 2nd times and referred to Committee on State Affairs.

A Bill requiring the County Clerk to procure a black book on report of Committee on State Affairs recommending that it do not pass. Read 2nd time. Mr. Weatherford moved to lay the report on the table. Carried. Mr. Weatherford then offered a substitute for the bill. Mr. Hord moved to indefinitely postpone the bill and substitute. The Yeas and Nays stood as follows:

Yeas: Messrs. Ford, Harcourt, Hartley, Hord, Lea, Maxey, Moore of Bastrop, Reed, and Shepard—9.

Nays: Messrs. Andres, Beasley, Boyd, Burney, Cook, Cooper, Dickson, Durant, Graham, Guinn, Lair, Moore of Davis, Parsons, Quayle, Selman, Weatherford, Wheeler, and White—18.

Mr. White moved to recommit the bill to Committee on State Affairs. Lost. Mr. Harcourt moved to refer substitute to Committee on Penitentiary. Lost. The substitute was then adopted.

Mr. Hord offered the following amendment. Strike out "black" and insert "blue." On motion laid on the table.

The Yeas and Nays being called on the engrossed of the bill stood thus:

Yeas: Messrs. Andres, Beasley, Boyd, Cooper, Dickson, Durant, Graham, Guinn, Lair, Parsons, Quayle, Weatherford, and Wheeler—13.

Nays: Messrs. Ford, Harcourt, Hartley, Hord, Lea, Maxey, Moore of Bastrop, Reed, Selman, Shepard, and White—11.

Mr. Weatherford moved to suspend the rule. Carried. Bill read 3rd time and passed by the following vote.

Yeas: Messrs. Andres, Beasley, Boyd, Cook, Cooper, Dickson, Durant, Graham, Guinn, Lair, Parsons, Quayle, Weatherford, and Wheeler—14.

Nays: Messrs. Ford, Harcourt, Hartley, Hord, Jordan, Lea, Maxey, Moore of Bastrop, Reed, Selman, Shepard, and White—12.

A Joint Resolution in relation to the impressment of male slaves. Read 2nd time. Mr. Cooper moved to lay on the table. The Yeas and Nays answered thus:

Yeas: Messrs. Andres, Beasley, Boyd, Burney, Cooper, Dickson, Harcourt, Jordan, Lea, Lair, Maxey, Moore of Bastrop, Quayle, Reed, Selman, Shepard, and Wheeler—17.

Nays: Messrs. Cook, Durant, Ford, Hord, Parsons, and Weatherford—7 [6].

A Bill to punish persons who evade or assist in evading the conscript laws on report of committee recommending a substitute. Read 2nd time, substitute adopted and ordered to be engrossed. Rule suspended. Read 3rd time and passed.

Mr. Maxey by leave introduced a Bill to incorporate the Lamar County Mutual Aid Association. Read 1st time. Rule suspended. Read 2nd time and ordered to be engrossed. Rule further suspended. Read 3rd time and passed by Constitutional majority, Mr. White voting Nay.

Mr. Shepard by leave made report on behalf of Committee on State Affairs on a Joint Resolution relative to certain salines near Double Mountain and recommend it to the consideration of the Senate.

On motion the Senate adjourned until 7 ½ o'clock P. M.

7 ½ o'clock P. M.

Senate met, roll called, quorum present.

Mr. Burney moved to take up Bill to prohibit the distillation of grain etc. Carried. Rule suspended. The Yeas and Nays on the final passage of the bill stood thus:

Yeas: Messrs. Batte, Beasley, Boyd, Burney, Cooper, Crawford, Graham, Guinn, Hartley, Lea, Lair, Maxey, Moore of Davis, Moore of Bastrop, Quayle, and Weatherford—16.

Nays: Messrs. Andres, Casey, Cook, Dickson, Ford, Harcourt, Hord, Parsons, Reed, Selman, and White—11.

Mr. Guinn by leave introduced a Joint Resolution relative to the impressment of slaves. Read 1st time. Rule suspended. Read 2nd time. Mr. Guinn moved to amend by inserting "\$1 per day and rations." Mr. Hord offered the following, "but in case of such impressment, compen-

sation shall be allowed for the labor of said slaves according to the value thereof at the time of their impressment." Accepted by Mr. Guinn. Mr. Wheeler offered the following substitute "Provided that the owners of said slaves shall receive for their services the same pay which soldiers in the Confederate Army are allowed and rations." Mr. Hartley moved to lay the substitute on the table. Mr. Harcourt moved to amend the motion by laying the bill and amendments on the table upon which the Yeas and Nays were as follows:

Yeas: Messrs. Andres, Cooper, Dickson, Graham, Harcourt, Lea, Moore of Bastrop, Reed, Selman, Shepard, and Wheeler—11.

Nays: Messrs. Batte, Beasley, Boyd, Burney, Crawford, Ford, Guinn, Hartley, Hord, Lair, Moore of Davis, Parsons, Quayle, and Weatherford—14.

The questions recurred on laying Mr. Wheeler's substitute on the table which was put and carried. Question on the adoption of Mr. Hord's amendment as accepted by Mr. Guinn. Mr. Dickson offered to amend as follows: "and provided further that in any call which may be made for slaves as aforesaid, the different Counties of the State be required to furnish their fair proportion of such requisition."

Mr. Hartley moved to lay bill and amendment on the table. The Yeas and Nays stood thus:

Yeas: Messrs. Andres, Boyd, Cooper, Dickson, Graham, Harcourt, Hartley, Hord, Lea, Moore of Bastrop, Reed, Shepard, Wheeler, and White—14.

Nays: Messrs. Batte, Beasley, Ford, Guinn, Lair, Moore of Davis, Parsons, Quayle, and Weatherford—9.

Mr. Hartley, Chairman of Committee on State Affairs made the following report:

"The committee on State affairs has had under consideration the House Joint Resolution of thanks of General Magruder, and men, also House Joint Resolution tendering thanks to Major O. M. Watkins and the officers and soldiers under his command, and has instructed me to report the accompanying Joint Resolution entitled a Joint Resolution of thanks to General Magruder and others as a substitute for the first above mentioned resolution and that the other be laid on the table." Report taken up and adopted. Mr. Lair offered the following amendment. **"Resolved, That**

General Sam Bell Maxey of Texas is entitled to and is hereby tendered the thanks of the State for his military science, skill, and gallantry displayed in his attack upon the capture of the enemy's strong fortifications at Bridgeport and Battle Creek on the Tennessee River on the 27th of August, 1862, which was denominated by General Bragg as one of the most dashing and gallant achievements of the war." The amendment being withdrawn, Mr. Dickson moved to strike out "Legislature" and insert "people." Adopted. The bill was then passed to a 3rd reading. Rule suspended. Read 3rd time and passed.

On motion of Mr. Harcourt, the vote adopting the report of the Judiciary Committee recommending that a bill to amend the Penal Code do not pass was reconsidered the Bill taken up. Read 2nd time. Mr. Guinn moved to strike out amendments to Article 156.

Mr. Hartley by leave, Chairman of Committee on State Affairs, reported a Joint Resolution to restrain the illegal exercise of military authority in the state of Texas and asked to be discharged from its further consideration.

On motion, the Senate adjourned until 9 o'clock A. M. tomorrow.

Thursday, March 5, 1863

9 o'clock A. M.

Senate met, prayer by the Chaplain, roll called, quorum present. The journal of yesterday was read and adopted.

Mr. Ford introduced a bill to incorporate the Caldwell County Mutual Aid Society. Read 1st time. Rule suspended. Read 2nd time and ordered to be engrossed. Rule suspended. Read 3rd time and passed on call of the Yeas and Nays unanimously.

Mr. Dickson offered the following resolution: "**Resolved**, That the Secretary of the Senate be and he is hereby instructed to place in the office of the Secretary of State the archives of the Senate of the late Republic of Texas now in the Senate Chamber; and that he shall procure a well bound book in which he shall record the journals of the last regular session and of this extra session of the Senate for which he shall receive compensation at the rate of twenty cents for every hundred words, provided the whole amount shall not exceed five hundred dollars, to be paid out of the contingent fund of this extra session of the legislature in addition to which duty he shall have a general